

# **CITY COUNCIL AGENDA**

**JUNE 1, 2004**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
**9:35 a.m.** - Closed Session, Room 600, City Hall  
**Absent Council Members: Chirco. (Excused)**  
  
**1:34 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
  
**7:04 p.m.** - Public Hearings, Council Chambers, City Hall  
General Plan Hearings, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 6)**  
**For Reverend Father John Asimacopoulos, Protopresbyter of St. Nicholas Greek Orthodox Church, Father Alex recited a prayer for our Country, the President, the armed forces and those in civil authority.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved, with Item 12.7 continued to June 15, 2004.**

## **1 CEREMONIAL ITEMS**

---

- 1.1** Presentation of a proclamation declaring June 5, 2004, as National Trails Day in San José. (Parks, Recreation and Neighborhood Services)  
**Mayor Gonzales declared June 5, 2004 as “National Trails Day” in San José, and presented a proclamation to Director of Parks, Recreation and Neighborhood Services Sara Hensley in honor of the day.**

# 1 CEREMONIAL ITEMS

---

- 1.2 Presentation of a commendation to the VEP Community Association recognizing their 35 years of service to the community. (Dando)  
(Rules Committee referral 5/26/04)  
**Heard in the Evening.**  
**Mayor Gonzales and Vice Mayor Dando recognized the members of the VEP Community Association for their 35 years of outstanding community service.**
- 1.3 Presentation of a commendation to Kristen Smyth, head women's gymnastic coach at Stanford, who was named PAC 10 Coach of the Year, and the National Association of Collegiate Gymnastics Coaches Coach of the Year. (Chirco, LeZotte)  
(Rules Committee referral 5/26/04)  
**Mayor Gonzales, Council Member Chirco and Council Member LeZotte recognized Ms. Kristen Smyth, Head Women's Gymnastic Coach, for her exceptional efforts.**
- 1.4 Presentation of a commendation to St. Nicholas Greek Orthodox Church on the occasion of the 33rd annual San José Greek Festival from June 4-6, 2004. (Yeager)  
(Rules Committee referral 5/26/04)  
**Mayor Gonzales and Council Member Yeager presented a commendation to the St. Nicholas Greek Orthodox Church. Father John graciously accepted the plaque.**

# 2 CONSENT CALENDAR

---

## 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of April 27, 2004
- (b) Joint Council/Redevelopment Agency Board meeting of April 27, 2004

**Approved.**

## 2.2 Final adoption of ordinances.

- (a) ORD. NO. 27147 – Amends Chapter 11.48 of Title 11 of the San José Municipal Code to permanently add a total of three (3) additional block segments to the University Residential Permit Parking Area.  
**Ordinance No. 27147 adopted.**
- (b) ORD. NO. 27148 – Amends Section 9.10.1630 of Chapter 9.10 of Title 9 of the San José Municipal Code to delete a requirement related to customer arrearages in cases where commercial waste generators desire to change franchised commercial collection companies.  
**Ordinance No. 27148 adopted.**

## 2 CONSENT CALENDAR

---

### 2.2 Final adoption of ordinances. (Cont'd.)

- (c) ORD. NO. 27149 – Rezones certain real property situated at the north side of Alum Rock Avenue, approximately 200 feet southerly of 34<sup>th</sup> Street, to A(PD) Planned Development Zoning District. PDC 03-090  
**Ordinance No. 27149 adopted.**
- (d) ORD. NO. 27150 - Rezones certain real property situated at the south side of McKee Road, approximately 200 feet northeasterly of North Capitol Avenue, to A(PD) Planned Development Zoning District. PDC 03-082  
**Ordinance No. 27150 adopted.**
- (e) ORD. NO. 27151 - Rezones certain real property situated at the southeast corner of Madden Avenue and North Jackson Avenue to A(PD) Planned Development Zoning District. PDC 03-036  
**Ordinance No. 27151 adopted.**
- (f) ORD. NO. 27152 – Rezones certain real property situated on the north side of Canoas Garden Avenue, 400 feet easterly of Almaden Road to A(PD) Planned Development Zoning District. PDC 03-078  
**Ordinance No. 27152 adopted.**
- (g) ORD. NO. 27153 - Rezones certain real property situated at the southeast corner of Market Street and West Julian Street to A(PD) Planned Development Zoning District. PDC 03-097  
**Ordinance No. 27153 adopted.**
- (h) ORD. NO. 27154 - Rezones certain real property situated on the north side of Quimby Road, approximately 300 feet easterly of Mission Greens Drive and approximately 1,000 feet westerly of South White Road to A(PD) Planned Development Zoning District. PDC 04-004  
**Ordinance No. 27154 adopted.**
- (i) ORD. NO. 27155 - Rezones certain real property situated on the west side of Kettmann Road, 100 feet northerly of Dashwood Avenue (3499 Kettmann Road), to R-1-8 Residence Zoning District. C 04-009  
**Ordinance No. 27155 adopted.**
- (j) ORD. NO. 27156 – Rezones certain real property situated on the west side of Bercaw Lane approximately 370 feet southerly of Camden Avenue (3621 Bercaw Lane), to R-1-8 Residence Zoning District. C 04-012  
**Ordinance No. 27156 adopted.**

## 2 CONSENT CALENDAR

---

### 2.2 Final adoption of ordinances. (Cont'd.)

- (k) ORD. NO. 27157- Amends Sections 4.76.290, 4.76.345, and 4.76.820 of Chapter 4.76 of Title 4 of the San José Municipal Code to retroactively provide a 45 day grace period for new businesses, retroactively replace the financial hardship refund procedure with a financial hardship exemption, increase the authority of the Director of Finance to compromise claims involving the payment of the business tax, including penalties and interest, add a new Section 4.76.746 to retroactively exempt family caregivers, and to authorize certain refunds of the business tax, interest and penalties.

**Ordinance No. 27157 adopted.**

- (l) ORD. NO. 27160 – Amends Sections 14.25.520 and 14.25.530 of Chapter 14.25 of Title 14 and Sections 19.38.520 and 19.38.530 of Chapter 19.38 of Title 19 of the San José Municipal Code to extend the low income unit exemptions and also continue the low income payment procedures in the Park Impact Fee and Parkland Dedication Ordinances until November 1, 2004.

**Ordinance No. 27160 adopted.**

### 2.3 Approval to amend the West Evergreen Strong Neighborhoods Improvement Plan.

**Recommendation:** Adoption of a resolution to amend the West Evergreen Strong Neighborhoods Improvement Plan, which revises the top ten priorities list without any changes to the neighborhood budget. CEQA: Resolution No. 71042, PP01-04-080. Council Districts 7 and 8. SNI: West Evergreen. (Parks, Recreation and Neighborhood Services)

**Resolution No. 72120 adopted.**

### 2.4 Approval of an agreement for landscape maintenance along Capitol Expressway.

**Recommendation:** Approval of a landscape maintenance agreement with the County of Santa Clara for landscape maintenance along Capitol Expressway between Tully Road and Cunningham Avenue. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Approved.**

## 2 CONSENT CALENDAR

---

### 2.5 Approval of reorganization and annexation of McKee No. 123.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as McKee No. 123, which involves the annexation to the City of San José of 0.14 acre of land more or less, located at the west side of Pala Avenue, approximately 60 feet northerly of Avenue A and adjacent to the City of San José annexation McKee No. 100, and the detachment of the same from County Lighting County Services, Central Fire Protection, Area No. 1 (Library Services) County Service and County Sanitation District 2-3. CEQA: GP2020 Resolution No. 65459, C03-081. Council District 5. (Planning, Building and Code Enforcement)

**Resolution No. 72121 adopted.**

### 2.6 Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through May 15, 2004*.

**Recommendation:** Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through May 15, 2004*. (City Auditor)  
(Rules Committee referral 5/26/04)

**Report accepted.**

## 3 STRATEGIC SUPPORT SERVICES

---

### 3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

### 3.2 Report Rules in Lieu – May 19, 2004 Vice Mayor Dando, Chair No Report.

### 3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair No Report.

### **3 STRATEGIC SUPPORT SERVICES**

---

#### **3.4 Public Hearing on the cost of sidewalk repairs for property owner Sharon L. McDonald.**

**Recommendation:** PUBLIC HEARING for property owner Sharon L. McDonald and adoption of a resolution confirming the report of the Directors of Finance and Transportation that includes the cost of sidewalk repairs and assessments. CEQA: Not a Project. (Finance/Transportation)  
(Deferred from 3/30/04 - Item 3.4 and 4/6/04 – Item 3.5)

**Deferred to 8/10/04.**

#### **3.5 Renaming of a City-owned facility.**

**Recommendation:** Recommendation from the Parks and Recreation Commission to rename Mabury Park to Commodore Children's Park. Council District 4. (Parks and Recreation Commission/City Clerk)

**Heard in the Evening.**

**Approved.**

#### **3.6 Interview and appointment of Planning Commissioners.**

**Recommendation:** Interview and appoint four Planning Commissioners for terms ending June 30, 2008. (City Clerk)

**Deferred to 6/29/04, to be heard last.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

---

#### **4.1 Report of the Building Strong Neighborhoods Committee – May 17, 2004 Council Member Chavez, Chair**

- (a) Commendation
- (b) Anti-Graffiti and Litter Update
- (c) Volunteer San José Update

**No actions required by the Committee.**

- (d) SNI Business Plan Update  
**The Committee accepted the Update.**

- (e) Oral petitions  
**None.**

- (f) Adjournment  
**The meeting was adjourned at 2:42 p.m.**

**The Building Strong Neighborhoods Committee Report, and the actions of May 17, 2004, were accepted.**



## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

---

### **4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.**

### **4.3 Approval of fiscal actions related to the Vintage Tower Apartments.**

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Vintage Tower Apartments) Series 2004B" in an aggregate principal amount not to exceed \$5,500,000 (the "Bonds"), to be issued and delivered in two sub-series designated as Series 2004B-1 in the estimated principal amount of \$4,350,000, and as Series 2004B-2 in the estimated principal amount of \$1,150,000;
- (b) Approving a loan of bond proceeds to First Methodist Church Tower Properties, L.P., a California limited partnership, for financing the acquisition and rehabilitation of the Vintage Tower Apartments located at 235 East Santa Clara Street in San José;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, the Bond Purchase Agreement and the Assignment of Mortgage Loan; and
- (d) Authorizing the City Manager or other authorized officer to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

CEQA: Exempt, PP03-03-090. Council District 3. (Housing)

**Deferred to 6/8/04.**

### **4.4 Public Hearing on a Historic landmark initiation.**

**Recommendation:** PUBLIC HEARING on the designation of the Wilder-Hait House, located at 1190 Emory Street, as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. CEQA: Exempt, File No. HL04-150. Council District 6. (Planning, Building and Code Enforcement)

**The Public Hearing was held.**

**Resolution No. 72122 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

---

### **4.5 Approval of actions related to the Predatory Lending Action Plan.**

**Recommendation:** Approval to:

- (a) Authorize the Housing Department to work with housing advocacy groups, the lending community, and San Jose's Financial Literacy Campaign to form a comprehensive anti-predatory lending program that includes counseling, outreach, and education.
- (b) Await decisions by the California Supreme Court, which is considering the constitutionality of the City of Oakland's predatory lending ordinance, and Congress, which is considering legislation that would restrict local actions relating to predatory lending, before taking any additional action on an ordinance or other measures.

CEQA: Not a Project. (Housing)

(Deferred from 5/25/04 – Item 4.4)

**The Staff recommendation was approved, with Staff directed to:**

- (1) **Remove the reference to “waiting for a decision or action by Congress” before taking any steps that are outlined in Staff’s plan, and begin the education program now.**
- (2) **Track the outcome of the City of Oakland’s Predatory Lending Ordinance and bring together the Stakeholders group to discuss next steps for the City of San José, including defining the problem, examining how a City policy would help individuals more, and developing an arbitration and/or mediation process. Mayor Gonzales to appoint a Council Member to serve as liaison member of the Stakeholder’s group.**

## **5 RECREATION & CULTURAL SERVICES**

---

### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.**

### **5.2 Approval to amend an agreement related to the construction of a fitness center at PAL Sports Center.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement with the San José Police Activities League (PAL), to increase the maximum compensation from \$639,000 to \$659,000, for construction of a fitness center at PAL Sports Center, to make \$62,966 available to PAL due to project savings, and to identify the applicable inspection standard as the Building Code. CEQA: Exempt, PP01-07-133. SNI: Gateway East. (Parks, Recreation and Neighborhood Services)

**Resolution No.72123 adopted.**

**Disqualified: Campos, Cortese, Gregory, due to potential conflict of interests.  
(Serve on the Board)**

## **5 RECREATION & CULTURAL SERVICES**

---

### **5.3 Approval to amend Chapter 7.08 of the San José Municipal Code, Animal Regulation and Rabies Control Ordinance.**

#### **Recommendation:**

- (a) Approval of an ordinance amending Chapter 7.08 of Title 7 of the San José Municipal Code in order to define adult dog or cat; define animal rescuer; increase the number of adult dogs and cats to a combined maximum of five per household and create an exemption from the pet limit for animal rescuers; regulate animal rescuer registration and the maintenance of a valid animal rescuer registration. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Ordinance No. 27161 passed for publication.**

**Staff directed to:**

- (1) Maintain current ordinance provisions as it relates to the number of animals allowed.**
- (2) Develop benchmarks for communicating information to the public; contact the Animal Advisory Committee to assist with the process and gather statistical data on average number of pets per household.**

**Noes: Campos, Chirco, Cortese, Reed.**

- (b) Approval of an ordinance amending Chapter 7.08 of Title 7 of the San José Municipal Code (commonly known as the “Animal Regulation and Rabies Control Ordinance”) in order to reorganize the Chapter, make clarifying changes, define new terms, distinguish the role of the administrator and the Hearing Officer, permit the issuance of three year licenses, distinguish and define varying levels of aggressive dog behavior, specify requirements for the hearing and appeal process for an aggressive dog incident, and specify the requirements for maintenance of aggressive dogs. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Ordinance No. 27162 passed for publication.**

**Noes: Campos, Chirco, Cortese, Reed.**

- (c) Approval of an ordinance amending Chapter 7.08 of Title 7 of the San José Municipal Code in order to create an exception to the leash law for posted off-leash areas, regulate the use of posted off-leash areas, and define new terms. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Ordinance No. 27163 passed for publication.**

**Noes: Campos, Chirco, Cortese, Reed.**

## **6 TRANSPORTATION SERVICES**

---

- 6.1 Report of the Building Better Transportation Committee**  
**Council Member Cortese, Chair**  
**No Report.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

---

- 7.1 Approval to award a contract for the Monterey-Riverside Sanitary Sewer Rehabilitation Project (Phase IV).**

**Recommendation:** Report on bids and award of contract for the Monterey-Riverside Sanitary Sewer Rehabilitation Phase IV Project to the low bidder, Spiniello Companies, in the amount of \$1,447,142, and approval of a contingency in the amount of \$145,000. CEQA: Exempt, PP03-01-017. Council District 2. (Public Works)  
**Approved.**

## **8 AVIATION SERVICES**

---

- 8.1 Public Hearing and approval of various actions related to the Airport Revenue Bonds.**

**Recommendation:**

- (a) Hold a TEFRA (Tax Equity and Fiscal Responsibility Act) hearing for the issuance of debt pursuant to a plan of finance for the Airport's security-related improvements, including Airport Revenue Bonds and Airport Commercial Paper in an aggregate principal amount not to exceed \$575,000,000, for the purpose of financing and refinancing the total costs of security-related improvements to the Airport and the associated financing costs; and  
**The Public Hearing was held.**

*(Item continued on the next page)*

## 8 AVIATION SERVICES

---

### 8.1 Public Hearing and approval of various actions related to the Airport Revenue Bonds (Cont'd.)

- (b) Adoption of the Fourteenth Supplemental Resolution of the City Council:
  - (1) Authorizing the issuance of City of San José Airport Revenue Bonds, AMT Series 2004A (the "2004A Bonds") and AMT Series 2004B (the "2004B Bonds") (collectively, the "2004 Auction Rate Bonds") in the not-to-exceed aggregate principal amount of \$140,000,000, to be sold through a negotiated sale for the purpose of financing and refinancing a portion of the costs of certain security-related improvements to the Airport, funding capitalized interest on the 2004 Auction Rate Bonds, funding a debt reserve fund and paying the costs of issuance of the Bonds;
  - (2) Authorizing the issuance of City of San José Airport Revenue Bonds, AMT Series 2004C (the "2004C Bonds") and non-AMT Series 2004D (the "2004D Bonds") (collectively, the "2004 Fixed Rate Bonds") in the not-to-exceed aggregate principal amount of \$110,000,000, to be sold through a negotiated sale for the purpose of financing and refinancing a portion of the costs of certain security-related improvements to the Airport, funding capitalized interest on the 2004 Fixed Rate Bonds, funding a debt reserve fund and paying the costs of issuance of the Bonds; and
  - (3) Authorizing the execution of certain financing documents, including the Third Supplemental Trust Agreement, Fourth Supplemental Trust Agreement, Broker-Dealer Agreements, the Auction Agreement, and other related documents, authorizing the negotiated sale of the Bonds and the execution of the Bond Purchase Agreements, approving in substantially final form the Preliminary Official Statements for the Fixed Rate Bonds and the Auction Rate Bonds, and authorizing the distribution of the Preliminary and Final Official Statements for both the Auction Rate and Fixed Rate Bonds, declaring the official intent of the City to reimburse certain expenditures from the proceeds of indebtedness, and authorizing certain related actions in connection with the issuance of the Bonds.

#### **Resolution No. 72124 adopted.**

- (c) Adoption of a resolution authorizing the City Attorney to negotiate and execute the first amendment to the agreement with Orrick, Herrington & Sutcliffe LLP for bond and disclosure counsel services, to modify the scope of services, and to increase the compensation by \$20,000, for a total compensation not to exceed \$270,000.

CEQA: Not a Project. (Finance/Airport)

#### **Resolution No. 72125 adopted.**

## 8 AVIATION SERVICES

---

### 8.2 Approval of an agreement for marketing communications and customer service consulting services at the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Barnestorming Advertising and Marketing Communications to conduct marketing communications and customer service consulting services for Norman Y. Mineta San José International Airport for the period from July 1, 2004 through June 30, 2005, in an amount not to exceed \$185,000; and
- (b) Exercise up to three additional one-year options to extend the agreement, on a fiscal year basis, to June 30, 2008, for total amount not to exceed \$740,000, subject to annual appropriation of funding for each option year.

CEQA: Resolution Nos. 67380 and 71451, PP04-05-162. (Airport)

**Resolution No. 72126 adopted, with the stipulation that one-year options come back for formal Council approval.**

## 9 PUBLIC SAFETY SERVICES

---

### 9.1 Approval of actions related to Fire Stations No. 34 and No. 35.

**Recommendation:**

- (a) Approval of an agreement with RRM Design Group for consultant services including design services for the new Fire Department Fire Stations 34 (Berryessa) and 35 (Cottle/Poughkeepsie) Projects, from the date of execution to May 31, 2007, in the amount of \$665,649.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the Neighborhood Security Act Bond Fund:

- (1) Increase the Fire Station 35 appropriation by \$400,000.
- (2) Decrease the Ending Fund Balance by \$400,000.

CEQA: Not a Project. Council Districts: FS No. 34: 3, 4, and 5; FS No. 35: 2. (Public Works/Fire/City Manager's Office)

**Ordinance No. 27164 adopted.**

## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

---

**The Redevelopment Agency Board was convened at 3:34 p.m. to consider Item 10.1 in a Joint Session.**

### **10.1 Approval of the Downtown Design Review Process to Implement the Downtown Zoning Ordinance.**

**Recommendation:** Adoption of a resolution establishing a Downtown Design Review Process. CEQA: Resolution No. 65459. Council District 3. (City Manager's Office/Redevelopment Agency)

(Council referral 3/16/04 – Item 10.1 and 5/18/04 – Item 10.1)

**Deferred to 6/15/04.**

### **10.2 Approval of actions related to the proposed State-Local Government agreement.**

**Recommendation:**

- (a) Council support in concept the proposed State-Local Government agreement to support the passage of an alternative constitutional amendment to the Council's earlier support Local Taxpayers and Public Safety protection Act. This constitutional amendment would provide equivalent or better local revenue and mandate protection in conjunction with a two-year budget package, providing for \$1.3 billion contribution by local governments to the State budget deficit for no more than two-years. Starting in 2006-07 all contributions by local governments' general revenues and tax increment to the State budget would cease and the 2003-04 Motor Vehicle License Fee (VLF) Backfill Loan would be constitutionally guaranteed to be repaid.
- (b) Council direct staff to identify and pursue those items that allow for flexibility in the manner in which the City and San José's Redevelopment Agency make their contributions to allow continuation of programs and services provided by cities and redevelopment agencies.

(City Manager's Office/Redevelopment Agency)

(Rules Committee referral 5/26/04)

**Approved.**

**The Redevelopment Agency Board portion of the meeting was adjourned at 4:20 p.m.**

- **Closed Session Report**  
**No Report.**

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

**None.**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9379	4175 Renaissance Drive	1	CMC Co.	1 lot (condo)	Multi-family
9484	508 Hillsdale Ave.	3	Eden Garden LLC	19 lots	Multi-family
9596	1952 Hicks Ave.	6	Charles W. Davidson Co.	8 lots/8 units	Single Family Detached

- **Open Forum**

(1) **Susan Johnson spoke of blight issues in the City of San José.**

- **Adjournment**

**The Council of the City of San José adjourned to the Parking Authority Meeting at 4:21 p.m.**



## 11 PUBLIC HEARINGS

---

(Heard by the City Council at 7:04 p.m.)

### 11.1 Public Hearing on conforming rezoning located at 6095 Cahalan Avenue.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the northwest corner of Santa Teresa Boulevard and Cahalan Avenue (6095 Cahalan Avenue), from CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District, to allow commercial uses on a 1.8-acre site (existing gasoline service station). (YBM, Inc., Owner/Applicant). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 04-027 - District 10

(Continued from 5/18/04 – Item 11.10)

**Continued to 8/17/04.**

### 11.2 Public Hearing on planned development rezoning located at the southwest corner of Woodglen Drive and Campbell Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Woodglen Drive and Campbell Avenue, from R-1-8 Residence District to A(PD) Planned Development Zoning District, to allow up to 56 single-family detached residences on a 5.39 gross acre site. (Moreland School District, Owner; Summer Hill Homes, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-076 - District 1

**Ordinance No. 27165 passed for publication. Final adoption 6/15/04.**

### 11.3 Public Hearing on planned development rezoning located at 19291 Almaden Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Almaden Road and Barnes Lane (19291 Almaden Road), from R-1-2 Residential Zoning District to A(PD) Planned Development Zoning District, to allow up to 26 single-family detached residential units on a 6.81 gross acre site. (Lee Muo S and Gon Mei Trustee, Wey Sonny S and Nancy C Trustee, Kamali Ehtheram, Martin and Mei Ling Ting, Mr. John P Cryan, Amy Ting, Owner; Santa Clara Development Co., Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-087 - District 10

**Ordinance No. 27166 passed for publication. Final adoption 6/15/04.**

## 11 PUBLIC HEARINGS

---

### 11.4 Public Hearing on Director-initiated conventional rezoning of the property generally bounded by Park Avenue, West San Fernando Street, Los Gatos Creek, Delmas Avenue, and Highway 87. (Delmas Park SNI Priority)

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING of the property generally bounded by Park Avenue, West San Fernando Street, Los Gatos Creek, Delmas Avenue, and Highway 87, from LI Light Industrial Zoning District to R-2 Two-Family Residence District, to allow residential uses on a 6.7 gross acre site. (Multiple property owners). CEQA: Resolution No. 65459. SNI: Delmas Park. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 04-019 - District 3

**Ordinance No. 27167 passed for publication. Final adoption 6/15/04.**

### 11.5 Public Hearing on Director-initiated conventional rezoning of the area bounded by Interstate 280, West San Carlos, Bird Avenue, Delmas Avenue, and Highway 87. (Delmas Park SNI Priority)

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING from LI Light Industrial Zoning District and R-2 Two-Family Residence Zoning District to R-2 Two-Family Residence District and CP Pedestrian Commercial Zoning District, to allow residential and commercial uses on a 13.48 gross acre site, located at the area bounded by Interstate 280, West San Carlos, Bird Avenue, Delmas Avenue, and Highway 87 (Multiple Property Owners). CEQA: Resolution No. 65459. SNI: Delmas Park. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 04-020 - District 3

**Ordinance No. 27168 passed for publication. Final adoption 6/15/04.**

### 11.6 Public Hearing on Director-initiated conventional rezoning on both sides of North 13<sup>th</sup> Street between Hedding and Jackson Streets. (13<sup>th</sup> Street SNI Priority)

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING of the property located on both sides of North 13<sup>th</sup> Street between Hedding and Jackson Streets, from CN Commercial Neighborhood Zoning District to CP Commercial Pedestrian Zoning District, to allow pedestrian oriented commercial and residential/commercial mixed-uses on a 19.33 gross acre site. CEQA: Resolution No. 65459. SNI: 13<sup>th</sup> Street. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 04-030 - District 3

**Ordinance No. 27169 passed for publication. Final adoption 6/15/04.**

## 11 PUBLIC HEARINGS

---

- 11.7 Public Hearing on Director-initiated conventional rezoning located on the east side of South King Road, south of Silver Creek, 300 feet northerly of Alum Rock Avenue and west of Silcreek Drive. (Gateway East SNI Priority)**

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING of the property located on the east side of South King Road, south of Silver Creek, 300 feet northerly of Alum Rock Avenue and west of Silcreek Drive, from R-2 Two-Family Residence District to R-1-8 Single-Family Residence Zoning District, to allow residential uses on a 28.12 gross acre site. (Multiple property owners). CEQA: Resolution No. 65459. SNI: Gateway East. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1).

C 04-034 - District 5

**Ordinance No. 27170 passed for publication. Final adoption 6/15/04.**

- 11.8 Public Hearing on Director-initiated conventional rezoning located at the area bounded along both sides of South 1<sup>st</sup> Street, south of Highway 280 and north of Alma Avenue. (Washington and Spartan Keyes SNI Priority)**

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING of the property located at the area bounded along both sides of South 1<sup>st</sup> Street, south of Highway 280 and north of Alma Avenue, from LI Light Industrial, CN Neighborhood Commercial, and CG General Commercial Zoning Districts, to CP Pedestrian Commercial and R-M Multi-Family Residence Zoning Districts, to allow commercial and multi-family residential uses on a 18.95 gross acre site. (Multiple owners). CEQA: Resolution No. 65459. SNI: Washington & Spartan Keyes. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 04-035 - District 3

**Ordinance No. 27171 passed for publication. Final adoption 6/15/04.**

- 11.9 Public Hearing on Director-initiated conventional rezoning located at the area bounded along both sides of Keyes Street, east of South 6<sup>th</sup> Street and west of South 12<sup>th</sup> Street. (Spartan Keyes SNI Priority)**

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING of the property located at the area bounded along both sides of Keyes Street, east of South 6<sup>th</sup> Street and west of South 12<sup>th</sup> Street, from LI Light Industrial and CN Neighborhood Commercial Zoning Districts to CP Pedestrian Commercial Zoning District, to allow commercial and residential uses on a 4.55 gross acre site. (Multiple property owners). CEQA: Resolution No. 65459. SNI: Spartan Keyes. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 04-036 - District 3

**Ordinance No. 27172 passed for publication. Final adoption 6/15/04.**

## 11 PUBLIC HEARINGS

---

### 11.10 Public Hearing on Director-initiated planned development rezoning located at the west side of El Dorado Street and north of the Guadalupe River.

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED PLANNED DEVELOPMENT REZONING of the property located at the west side of El Dorado Street and north of the Guadalupe River, from LI Light Industrial, CN Neighborhood Commercial and A Agricultural Zoning Districts to CP(PD) Pedestrian Commercial Planned Development and OS Open Space Zoning Districts, to allow residential and open space uses on a 93.12 gross acre site. (Multiple property owners). CEQA: Resolution No. 68577. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
PDC 04-037 - District 4

**Ordinance No. 27173 passed for publication. Final adoption 6/15/04.**

### 11.11 Public Hearing on Director-initiated conventional rezoning of the area generally bounded by East Santa Clara Street to the north, 30<sup>th</sup> Avenue to the east, San Antonio Street and William Street to the south, and South 22<sup>nd</sup> Street to the west. (Five Wounds/Brookwood Terrace SNI Priority)

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING of the area generally bounded by East Santa Clara Street to the north, 30<sup>th</sup> Avenue to the east, San Antonio Street and William Street to the south, and South 22<sup>nd</sup> Street to the west, from LI Light Industrial and CP Pedestrian Commercial Zoning Districts to R-2 Two-Family Residence District to reflect residential uses on a 31.34 gross acre site. CEQA: Resolution No. 65459. SNI: Five Wounds/Brookwood Terrace. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
C 04-039 - District 3

**Continued to 6/15/04.**

## 12 GENERAL PLAN PUBLIC HEARINGS

---

(Heard by the City Council at 7:04 p.m.)

### OPEN GENERAL PLAN PUBLIC HEARING CONTINUED TO JUNE 15, 2004.

#### 12.1 Public hearing on General Plan Consent Calendar items.

##### **Recommendation:**

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to General Commercial for property located at the west side of Seventh Street, approximately 150 feet northerly of Keyes Street (1083 South Seventh Street) on a 0.12-acre site. (Brian Lee, Owner/Applicant). CEQA: Mitigated Negative Declaration, GP04-03-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of Staff Recommendation: Propose to change the General Plan designation from Medium High Density Residential to Office on the 0.12-acre site (5-0-2; Zamora & Platten Absent). SNI: Spartan/Keyes.

GP04-03-01 - District 3

**Staff/Planning Commission recommendation was tentatively approved.**

- (b) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential designation (8 DU/AC) to General Commercial with Neighborhood Business District Overlay for properties located at the east side of White Road (12, 16, and 18 North White Road), approximately 150 feet northerly of Alum Rock Avenue on a 0.51-acre site. (The Lawrence Company and Dr. Michael Torrano, Owner/Applicant). CEQA: Mitigated Negative Declaration, GP04-05-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2; Zamora & Platten Absent).

GP04-05-01 - District 5

**Staff/Planning Commission recommendation was tentatively approved.**

## 12 GENERAL PLAN PUBLIC HEARINGS

---

### 12.2 Public Hearing on the following items located between the Union Pacific Railroad tracks, Market Street, Julian Street, and Highway 87 on a 9-acre site.

**Recommendation:** The items being considered are located between the Union Pacific Railroad tracks, Market Street, Julian Street (195 West Julian Street), and Highway 87 on a 9-acre site. (Brandenburg Staedler & Moore, Owners/Redevelopment Agency, Applicant). CEQA: Resolution to be adopted.

District 3

- (a) Adoption of a resolution making certain findings in order to override the action of the Santa Clara County Airport Land Use Commission in regards to General Plan amendment GP03-03-01. CEQA: Brandenburg Mixed Use Project/North San Pedro Housing Sites Environmental Impact Report, Resolution No. 04-019.  
GP03-03-01a - District 3
- (b) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial on 6.2 acres, Combined Industrial/Commercial on 1 acre, and Residential Support for the core area [25 + Dwelling Units per Acre (DU/AC)] on 1.8 acres to Core Area. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-0-2-1; Zamora & Platten Absent, Campos Abstained).  
GP03-03-01a - District 3  
[Continued from 12/16/03 - Item 12.1(d)(2) and 3/16/04 - Item 12.1(b)(2)]
- (c) PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT request to redefine the Downtown Core Area and Downtown Frame Area boundaries. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-0-2-1; Zamora & Platten Absent, Campos Abstained).  
GPT03-03-01a - District 3  
[Continued from 2/16/03 - Item 12.1(d)(3) and 3/16/04 - Item 12.1(b)(3)]
- (d) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to realign Julian Street between Market and Saint James Streets. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-0-2-1; Zamora & Platten Absent, Campos Abstained).  
GP03-03-01b - District 3  
[Continued from 12/16/03 - Item 12.1(d)(4) and 3/16/04 - Item 12.1(b)(4)]

**Continued to 6/15/04.**

## **12 GENERAL PLAN PUBLIC HEARINGS**

---

### **12.3 Public Hearing on General Plan amendment for property located on the north side of Umbarger Road, approximately 1,200 feet west of Senter Road on 3.38 acres.**

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to amend the Land Use/Transportation Diagram from Light Industrial to Medium Density Residential (8-16 DU/AC) for a property located on the north side of Umbarger Road approximately 1,200 feet west of Senter Road (413-425 Umbarger Road) on 3.38 acres. CEQA: Mitigated Negative Declaration, GP04-07-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

GP04-07-01 - District 7

**Council Member Gregory recused from participating, upon the advice of the City Attorney.**

**Staff/Planning Commission recommendation was tentatively approved.**

### **12.4 Public Hearing on General Plan Amendment for property located on both sides of Rosemar Court, north of Rosemar Avenue on an 8.5-acre site.**

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Estate Residential (1.0 DU/AC) to Very Low Density Residential (2.0 DU/AC) for property located on both sides of Rosemar Court, north of Rosemar Avenue on an 8.5-acre site. (Rosemar Enterprises Corp., Owners/Gerry De Young, Applicant). CEQA: Mitigated Negative Declaration, GP03-05-08. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends denial (4-3-0; Campos, Levy & James Opposed).

GP03-05-08 - District 5

(Continued from 6/1/04 - Item 12.3)

**Continued to 9/04.**

### **12.5 Public Hearing on General Plan amendment for property located on the west side of Peregrino Way, approximately 400 feet northwest of Dry Creek on a 1.50-acre site.**

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) for property located on the west side of Peregrino Way, approximately 400 feet northwest of Dry Creek Road on a 1.50-acre site. (Goodenough, Owner/Kennon, Applicant). CEQA: Mitigated Negative Declaration, GP04-06-01. Director of Planning, Building and Code Enforcement recommends approval.

GP04-06-01 - District 6

**Continued to 6/15/04.**

## 12 GENERAL PLAN PUBLIC HEARINGS

---

- 12.6 Public Hearing on General Plan Amendment for property located on the southerly side of Piercy Road (474 Piercy Road), approximately 300 feet easterly of Hellyer Avenue on an approximately 9-acre site.**

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay for property located on the southerly side of Piercy Road (474 Piercy Road), approximately 300 feet easterly of Hellyer Avenue on an approximately 9 acre site. (Barry DiRaimondo, Owner/Family Community Church, Applicant). CEQA: Mitigated Negative Declaration, GP03-02-04. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends negative recommendation (2-3-2; Levy & Zito Approval, James, Campos & Dhillon Denial, Platten & Zamora Absent).

GP03-02-04 - District 2

(Continued from 3/16/04 - Item 12.1)

**In lieu of the Staff/Planning Commission recommendation, the General Plan amendment request to amend the *San José 2020 General Plan Land Use/Transportation Diagram* from Industrial Park to Industrial Park with Mixed Industrial Overlay was approved, with guidelines for conditions of approval as outlined in a memorandum coauthored by Mayor Gonzales, Vice Mayor Dando, Council Members Williams and Chavez, dated May 28, 2004. Noes: LeZotte.**

- 12.7 Public Hearing on the following items located at the southwest corner of Monterey Highway and Goble Lane on a 29.5-acre site.**

**Recommendation:**

PUBLIC HEARING on the following items located at the southwest corner of Monterey Highway (2745 Monterey Road), and Goble Lane on a 29.5-acre site. (Goble Ernest L. et al., Owner/Roem Development, Anthony Ho, Applicant). CEQA: Resolution to be adopted.

District 7

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial, Single-Family Detached and Attached (8-16 Dwelling Units Per Acre) acres and Heavy Industrial (Communications Hill Planned Community) to High Density Residential (25-50 DU/AC) on 29.5-acre site. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval (5-2-0; Levy & Dhillon Opposed).  
GP02-07-04 - District 7
- (b) PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT to reflect the proposed changes in the Communications Hill Specific Plan. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval (5-2-0; Levy & Dhillon Opposed).  
GPT02-07-04 - District 7

**Continued to 6/15/04.**



## 12 GENERAL PLAN PUBLIC HEARINGS

---

### 12.8 Adoption of a resolution approving all General Plan amendment actions taken on June 1, 2004.

**Recommendation:** Continuance of adoption of a resolution approving all General Plan Amendment actions to June 15, 2004. (Planning, Building and Code Enforcement)

**Adoption of resolution continued to 6/15/04.**

- Open Forum

- (3) Anthony Ho, Miro Design Group, spoke on the Redwood Mobile Home Park land use.

- (4) Gloria Ploch spoke on the Redwood Mobile Home Park land use.

- (5) Herb Sawyer, Foundation for Housing Equity, spoke on the Redwood Mobile Home Park land use.

- Adjournment

- The Council of the City of San José adjourned at 8:52 p.m.

# CITY OF SAN JOSÉ PARKING AUTHORITY AGENDA

**1:30 P.M.**

**TUESDAY, JUNE 1, 2004**

# CHAMBERS

## 1 CALL TO ORDER AND ROLL CALL

**4:22 p.m.** Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**

## 2 APPROVAL OF MINUTES

2.1 Minutes of June 3, 2003  
**Approved.**

### **3 OLD BUSINESS**

**None.**

## 4 NEW BUSINESS

None.

## 5 ADJOURNMENT

**The City of San José Parking Authority meeting adjourned at 4:22 p.m.**